

ORDINANCE NO. 1575

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNDEN,
WASHINGTON, REGARDING THE ADDITION OF CHAPTER 19.18,
PEPIN CREEK SUB-AREA ZONES TO THE LYNDEN MUNICIPAL CODE.

WHEREAS, The City of Lynden is required to plan under RCW 37.70A, commonly referred to as the Growth Management Act, and

WHEREAS, The Growth Management Act mandates that cities make plans to accommodate a reasonable allocation of growth at urban levels of density, and

WHEREAS, the City has determined that creation of the new Pepin Creek Sub-Area Zone within the City zoning code will further this Growth Management Act mandate; and

WHEREAS, the City of Lynden has determined that integrating various housing types in said new zone will assist the City in meeting increased levels of density, promote home ownership at more affordable rates while maintaining the quality of life within the Lynden community; and

WHEREAS, the City of Lynden has determined that certain design requirements included in zoning regulations will work to preserve the aesthetic character of the new zone and the City as a whole; and

WHEREAS, allowing flexibility within the setbacks for the buildings within the new zones will provide opportunity for creative design and better streetscapes, and

WHEREAS, appropriate provisions have been made within the zoning text to ensure that the impacts to the surrounding neighborhoods will be minimized; and

WHEREAS, the City issued a SEPA Determination of Non-Significance related to this Ordinance on January 25, 2019; and

WHEREAS, the Lynden Planning Commission held multiple work sessions (open to the public) to develop the revised zoning code draft; and

WHEREAS, on January 24, 2019, following public notice, the Planning Commission conducted a public hearing regarding this proposed Ordinance and, after considering all comments and testimony received, forwarded a recommendation to the City Council to adopt the proposed new Chapter 19.18 into the Lynden Municipal Code; and

WHEREAS, on January 25, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed addition of Chapter 19.18 to the Lynden Municipal Code and requested expedited review thereof, and said

request for expedited review having been subsequently granted; and

WHEREAS, on March 4, 2019, following public notice, the City Council conducted a public hearing with regards to this proposed Ordinance; and

WHEREAS, the City Council approved the addition of the new Chapter 19.18 as recommended by the Planning Commission; and

WHEREAS, the City Council finds the proposed addition to the zoning code will uphold the goals of the Comprehensive Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, ORDAINS AS FOLLOWS:

SECTION A. A new chapter 19.18 of the Lynden Municipal Code is hereby adopted as follows:

Chapter 19.18 Pepin Creek Sub Area Zones

- 19.18.010 Purpose and Intent
- 19.18.020 Primary Permitted Uses
- 19.18.030 Pepin Creek Multi-Family Zone (RM-PC)
- 19.18.040 Pepin Creek Senior Overlay
- 19.18.050 Pepin Creek Neighborhood Commercial Overlay

19.18.010 Purpose and Intent

- A. Purpose. The purpose of the Pepin Creek Subarea is to meet the goals of the Comprehensive Plan by allowing residential development averaging about seven dwelling units per net acre and to allow a variety of housing types that will meet the needs of families throughout their lifecycle. Development in the Pepin Creek Subarea should focus on maintaining the aesthetic quality of the city in general and the neighborhood in particular by providing for architectural diversity, adequate landscaping, and open space. Commercial uses are allowed where they serve the neighborhood.

- B. Established. The following zones and overlays are utilized within the Pepin Creek Subarea.

Zone or Overlay	Uses	Development Standards
RS-72	19.15	19.15
RMD	19.16	19.16
RM-PC	19.18.030	19.18.030
Senior Overlay	19.18.040	19.18.040
Neighborhood Commercial Overlay	19.18.050	19.18.050
Public Use	19.27	19.27
Airport Overlay	19.55	19.55

C. Conflicts. If there are any conflicts between the provisions of this chapter and any other parts of the Lynden Municipal Code, this chapter shall prevail except for where standards necessary to maintain public safety related to the operation of the airport.

19.18.020 Primary Permitted Uses within the Pepin Creek Subarea

The primary permitted uses in the Pepin Creek Subarea are as follows. See Figure 19.18.010-1 to reference the location of applicable secondary, accessory, and conditional uses as well as development standards specific to each zoning category.

- A. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes. This includes types such as large lot single family, small lot single family and cottages.
- B. Single Family Attached Dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types.
- C. Duplex Dwelling units.
- D. Multi-Family Dwelling units typically limited to a maximum of four to eight units per building.
- E. The Senior Overlay provides the opportunity for development to accommodate a specific user. When activated, the permitted uses within the overlay include senior cottages, attached single family units, senior Multi-family Dwelling Units, developed to standards specific to the overlay. A range of units or rooms per building are permitted, however the entire Pepin Creek Subarea is limited to a maximum of 300 total units within the Senior Overlay

districts. All multi-family dwellings that contain more than four units per building within the Senior Overlay must be age restricted to persons age 55 and older.

- F. Nursing home and assisted living facilities as defined in RCW 74.39A.009 are considered primary uses in Senior Overlay;
- G. The Neighborhood Commercial Overlay, provide an opportunity for a variety of primary permitted uses in key locations. These include:
 - 1. Personal Services. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, or others that would serve the subarea.
 - 2. Sales of General Consumer Goods. This is to allow for retail sales of food, household goods, pet supplies, and other goods to residents in the subarea. The sales of goods geared toward a regional customer base, as determined by the Planning Director, are not allowed. Such regional uses include fuel sales, auto sales, large format stores, construction and landscaping materials, farm equipment. Outdoor storage associated with the sales of General Consumer Goods is also not allowed.
 - 3. Restaurants and Cafes.
 - 4. Banks and Financial institutions.
 - 5. Second story residential uses may be developed in conjunction with first floor commercial uses.

19.18.030 – Pepin Creek Multi-family Zone (RM-PC) and Uses Established

A. Primary Permitted Uses

- 1. Multi-family Dwelling units, that is multiple dwelling units located on a single lot, are permitted with the following restrictions:
 - a. Buildings containing 2 to 4 units are permitted consistent with LMC 19.18.030(F) and applicable design standards.
 - b. Buildings containing 5-8 units are permitted at a ratio of one for every 25 lots created. Lot count may include those used for multi-family dwelling units, attached single family dwellings, or detached single family dwelling. Development must be consistent with LMC 19.18.030(E) and applicable design standards.
- 2. Single Family Attached Dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached

garages, and other innovative types. A maximum of 4 units may be attached to one another.

3. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes.

B. Accessory Permitted Uses. Accessory permitted uses in the RM-PC zone is as follows:

1. Private garages for single-family or single-family attached residences. No detached garage or accessory building shall exceed one thousand square feet of inside floor area or ten percent of the lot area, whichever is greater; provided however, that the floor area of the accessory building does not exceed the floor area of the primary residence or three thousand square feet, whichever is more restrictive;
2. Single-family lots greater than or equal to ten thousand square feet may store up to two recreational vehicles on the lot; provided however, they are not stored in the front yard and meet the requirements of Section 19.31.020(B);
3. Tool shed, satellite dish, outdoor patios and outdoor fireplaces consistent with applicable design standards;
4. Mobile storage units or shipping containers are permitted for use during construction but must be removed within thirty days of final occupancy of the primary residence. No units greater than eight feet by ten feet are permitted in residential zones, other than during construction or for a period of up to thirty consecutive days within a six-month period to facilitate the moving in or moving out of a residence. Units eight feet by ten feet or smaller may be placed on a lot for not more than six months during any two-year period and must be located in the rear yard;
5. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC Section 19.37.090;
6. Accessory dwelling unit (ADU) consistent with LMC Section 19.20 permitted in detached single family homes only.
7. No more than five, currently licensed and/or operable passenger vehicles may be stored on any single-family residential lot. Inoperable vehicles may not be stored in the front yard (refer to Section 19.31.020(A)).
8. Recreation areas for residents.

C. Secondary Permitted Uses. Secondary permitted uses in the Pepin Creek Subarea zones are as follows:

1. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes;
2. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises except in the Neighborhood Commercial Overlay;
3. Home occupations. See Chapter 19.57;
4. Gardening and fruit growing not for commercial sale;
5. General farming, which does not include the commercial feeding of livestock, if the zoning lot is five acres or more in size and meets the requirements outlined in Chapter 19.39 of this code;
6. Family day care centers for up to eight individuals, not including the residents of the dwelling unit;
7. Parks and playgrounds;
8. Adult family homes and residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).
9. Temporary structures such as portable tents or canopies used by a business for an event or sale in the Commercial Neighborhood Overlay. The event or sale shall be limited to seven days or less and all temporary structures must be removed within 72 hours of the sale or event.

D. Conditional Permitted Uses. The following property uses may be permitted in Pepin Creek Subarea zones by conditional use permit when recommended by the planning commission and approved by the city council consistent with LMC 19.49.050.

1. Public buildings and utility sub-stations;
2. Club facilities that are directly related to the neighborhood such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas;
3. Day care facilities for more than eight people with the maximum number of individuals to be determined as part of the conditional use permit process;
4. Nursing home and assisted living facilities as defined in RCW

74.39A.009 when located in the RS-72, RMD, or RM-PC zones;

5. Bed and breakfast establishments (see Section 19.49.030);
6. Churches, provided that the front yard is landscaped and all other parking and landscaping requirements are met; and
7. Schools

E. Front Yard Use for Residential Uses

1. Front yards shall be used for ornamental purposes only. No storage sheds, portable storage tents, temporary canopies or other similar structures may be located within the front yard; provided however that portable canopies or tent structures may be used during events or yard sales but must be removed within 72 hours of the sale or other event.
2. No fences, growth or other obstruction over three feet in height above the curb grade shall be allowed within the clear vision triangle.
3. Front yards setbacks may not be used for the storage of boats, campers, or any recreational vehicle. (Refer to 19.31.020 B)

F. RM-PC Development Standards. The development standards for the RM-PC zone are as follows:

1. RM-PC Height, Density, Area, Coverage, and Bulk Requirements

Zone	Minimum Lot Size	Maximum Density *	Maximum Lot Coverage	Maximum Height^b	Maximum Stories
RM-PC Single Family Detached	4000 sf	12 DU/AC	35%	32'	2
RM-PC Single Family Attached	3000 sf	12 DU/AC	50%	40'	3
RM-PC Multi-family dwelling	1600 sf per unit	12 DU/AC	40%	40'	3

* Residential densities are based on net land area.

G. RM-PC Setback Requirements

Setbacks

	RM-PC Detached	RM-PC Attached	RM-PC Multi Dwelling
Front Setback			
ROW to Porch	8'	8'	15'
ROW to House	10'	10'	20'
ROW to Garage	25'	25'	25'
Green to Porch	4'	4'	10'
Green to House	6'	6'	10'
Side Setback +			
Minimum Side	7'	0' on attached sides, 10' on each unattached side	10'
Side Total	14'	20'	20'
Corner Lot	10'	10'	14'
Rear Setback +			
Alley Easement to Garage Side	3'	3'	3'
Garage Side to Property Line	5'	5'	5'
Alley to Garage Door	21'	21'	25'
Alley to House	15'	10'	20'
To House	15'	10'	15'

+ On corner lots one of the corners may be considered as a side yard, provided that the yard considered as a side yard shall not be less than 10 feet.

1. Additional RM-PC Development Standards:

- a. The height of any building is measured from the approved average grade level as defined in 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- b. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as

described in this section. Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030.

- c. Uncovered wood decks and raised concrete patios not over twenty-four inches above grade at any point may be permitted within eighteen feet of the rear property line and five feet of the side property line. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- d. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within 10 feet of the rear property line for detached homes on lots zoned RM-PC; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

H. Standards for Detached Accessory Buildings

- 1. To be considered a "detached" structure, the minimum distance between two structures shall be six feet measured from foundation to foundation with no projections greater than 18 inches.
- 2. A detached accessory structure may not be built closer than 6 feet to the side or rear property line, except where a rear property line abuts an alley a structure may not be built closer than 3 feet to the rear property line. Structures which do not require a building permit per LMC 15.04 must be setback a minimum of three feet to the side or rear property line.
- 3. Detached accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street.
- 4. The maximum height for all detached accessory structures shall be 12 feet, except for detached garages as noted below.
- 5. The maximum height of any detached garage shall be 18 feet, provided there is no living space within the building. Detached garages with living spaces shall be subject to the standards for Accessory Dwelling Units in LMC 19.20. The roof pitch and siding on any detached garage shall be consistent with the primary structure on the lot, and the height of the building shall not exceed the height of the primary structure.

6. A secondary garage or shop shall be set behind the rear line of house.

I. Transition Area Standards

1. A transition area of 100 ft. is applied to the RM-PC zone where the RM-PC zone abuts RS zoning located inside and outside of the Pepin Creek Subarea. The transition area is also applied when the Senior Overlay is activated adjacent to RS zoning located inside and outside of the Pepin Creek Subarea.
2. A ten foot wide Type IV landscape buffer and 6 foot privacy fencing are required on RM-PC properties where abutting RS zones. Alternatively, a buffer is not required if lots are limited to a primary use as a detached single-family home or pairs of attached single family homes.
3. Lots developed in the transition zone shall be limited to the maximum height of the abutting RS zone.

J. Open Space Requirements.

1. Each lot must maintain a minimum of 7.5% in open space.
2. RM-PC developments which meet or exceed 6 units to the acre in net density must also provide common open space equal to 10% of the developable parcel size. Common open space may be designed as a pocket park, common green, or access easement. Perpetual maintenance of the common open space must be addressed at the time of plat or development if a plat is not required.
3. Common open space must meet the following requirements:
 - a. One 2" caliper canopy tree is required for every 1000 sf
 - b. Spaces must be accessible to residents and suitable for passive or active recreational use. Play structures or pet friendly areas are encouraged.
 - c. Sidewalks or paths accessing the area must be a minimum of 4 feet wide.
 - d. The minimum lawn coverage of a common green area shall be 70%.

K. Residential Design Requirements

All residential dwelling units must meet the following design criteria unless varied by the design review board as provided under Section 19.45.035:

1. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed

by concrete or approved concrete products.

2. All dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement. The primary roof line must have a minimum of a 4:12 pitch. This is not applicable to re-roofing or additions to existing structures.
3. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
4. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
5. The exterior of the home must be finished with a minimum of two types of materials. Exposed fastener metal siding is prohibited on residential buildings.
6. All units other than a detached single family residence shall be subject to review and approval by the Design Review Board.
7. No more than fifty percent of the lineal frontage of the building elevation may be occupied by garage doors. For the purposes of this section, a set of garage doors serves one dwelling unit and means one double garage door or two single garage doors separated by less than five feet.
8. Only one set of garage doors may face the street unless the garage doors are setback from the living area a minimum of ten feet.
9. All parking requirements of Section 19.51.040 LMC must be met on site.

L. RM-PC Landscape Requirements: In addition to the landscaping requirements of Chapter 19.61 of this title, all proposed multi-family and attached single-family development consisting of two or more attached units in this zone shall comply with Chapter 19.17.110.

19.18.040 - Pepin Creek Senior Overlay and Uses Established.

- A. The Senior Overlay provides the opportunity for development to accommodate a specific user and developed to standards specific to the overlay.
 1. A range of units or rooms per building are permitted, however the entire Pepin Creek Subarea is limited to a maximum of 300 total units.
 2. Utilization of the Senior Overlay standards requires the creation and

recording of an associated plat or Planned Residential Development (PRD). The use of the Senior Overlay must be indicated on the face of the plat.

3. All multi-family dwellings that contain more than four units per building within the Senior Overlay must be age restricted to persons age 55 and older through a recorded covenant.
4. Any development within the Senior Overlay that is developed at densities above the maximum density allowed in the underlying zoning must be restricted, on the face of the plat, to persons age 55 and older.

B. Senior Overlay Primary Uses.

1. Multi-family Dwelling units, that is multiple dwelling units located on a single lot, are permitted.
2. Single Family Attached Dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types. A maximum of 4 units may be attached to one another.
3. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes.
4. Care Facilities. Nursing home and assisted living facilities as defined in RCW 74.39A.009.

C. Senior Overlay Accessory Permitted Uses

1. Private garages for single-family or single-family attached residences. No detached garage or accessory building shall exceed one thousand square feet of inside floor area or ten percent of the lot area, whichever is greater; provided however, that the floor area of the accessory building does not exceed the floor area of the primary residence or three thousand square feet, whichever is more restrictive;
2. Single-family lots greater than or equal to ten thousand square feet may store up to two recreational vehicles on the lot; provided however, they are not stored in the front yard and meet the requirements of Section 19.31.020(B);
3. Tool shed, satellite dish, outdoor patios and outdoor fireplaces consistent with applicable design standards;
4. Mobile storage units or shipping containers are permitted for use

during construction but must be removed within thirty days of final occupancy of the primary residence. No units greater than eight feet by ten feet are permitted in residential zones, other than during construction or for a period of up to thirty consecutive days within a six-month period to facilitate the moving in or moving out of a residence. Units eight feet by ten feet or smaller may be placed on a lot for not more than six months during any two-year period and must be located in the rear yard;

5. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC Section 19.37.090;
6. Accessory dwelling unit (ADU) consistent with LMC Section 19.20 permitted in detached single family homes only;
7. No more than three, currently licensed and/or operable passenger vehicles may be stored on any single-family residential lot. Inoperable vehicles may not be stored in the front yard (refer to Section 19.31.020(A));
8. Recreation areas for residents;
9. Club facilities that are directly related to the neighborhood such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.

D. Senior Overlay Secondary Permitted Uses

1. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes;
2. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises except in the Neighborhood Commercial Overlay;
3. Home occupations. See Chapter 19.57;
4. Gardening and fruit growing not for commercial sale;
5. General farming, which does not include the commercial feeding of livestock, if the zoning lot is five acres or more in size and meets the requirements outlined in Chapter 19.39 of this code;
6. Adult day care centers for up to eight individuals, not including the residents of the dwelling unit;
7. Parks and playgrounds;

8. Adult family homes and residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).
9. Temporary structures such as portable tents or canopies used by a business for an event or sale in the Commercial Neighborhood Overlay. The event or sale shall be limited to seven days or less and all temporary structures must be removed within 72 hours of the sale or event.

E. Conditional Permitted Uses in the Pepin Creek Senior Overlay Zones

The following property uses may be permitted in Pepin Creek Subarea zones by conditional use permit when recommended by the planning commission and approved by the city council consistent with LMC 19.49.050.

1. Public buildings and utility sub-stations.

F. Senior Overlay Development Standards

The development standards for developments utilizing the Senior Overlay are as follows:

1. Senior Overlay Height, Density, Area, Coverage, and Bulk Requirements

Zone	Minimum Lot Size	Maximum Density**	Maximum Lot Coverage	Maximum Height^b	Maximum Stories
Senior Overlay Detached Single Family Homes	4000 sf	12 DU/AC	40%	32'	2
Senior Overlay Attached Single Family Homes	3000 sf	12 DU/AC	50%	32'	2
Senior Overlay Multi-family dwelling	1600 sf per unit	12 DU/AC	40%	40'	3
Senior Overlay Care Facilities	1 acre	30 DU/AC	40%	40'	3

* Residential densities are based on net land area.

** Any development within the Senior Overlay that is developed at densities above

the maximum density allowed in the underlying zoning must be restricted, on the face of the plat, to persons age 55 and older.

Senior Overlay Setback Requirements

Setbacks	Senior Overlay	Senior Overlay	Senior Overlay	Senior
	Detached Single Family	Attached Single Family	Multi-Family Dwelling	Overlay Care Facility
Front Setback				
ROW to Porch (or Porte-cochere for Care Facilities)	8'	8'	15'	25'
ROW to House or Facility	10'	10'	20'	30'
ROW to Garage	25'	25'	25'	25'
Green to Porch	4'	4'	10'	10'
Green to House	6'	6'	10'	10'
Side Setback +				
Minimum Side	7'	0' on attached sides, 10' on each unattached side	10'	50% of building height specific to each side
Side Total	14'	20'	20'	50'
Corner Lot	10'	10'	14'	
Rear Setback +				
Alley Easement to Garage Side	3'	3'	3'	NA
Garage Side to Property Line	5'	5'	5'	NA
Alley to Garage Door	21'	21'	21'	NA
Alley to House	15'	10'	20'	NA
To House	15'	10'	15'	30'

+ On corner lots one of the corners may be considered as a side yard, provided that the yard considered as a side yard shall not be less than 10 feet.

1. Additional Senior Overlay Development Standards Provisions:

- a. The height of any building is measured from the approved average grade level as defined in 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- b. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach

into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in LMC 19.16.070 or, for care facilities, half of the rear setback. Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030.

- c. Uncovered wood decks and raised concrete patios not over twenty-four inches above grade at any point may be permitted within eighteen feet of the rear property line and five feet of the side property line. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- d. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within 10 feet of the rear property line for detached homes within the Senior Overlay; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

G. Standards for Detached Accessory Buildings

- 1. To be considered a "detached" structure, the minimum distance between two structures shall be six feet measured from foundation to foundation with no projections greater than 18 inches.
- 2. A detached accessory structure may not be built closer than 6 feet to the side or rear property line, except where a rear property line abuts an alley a structure may not be built closer than 3 feet to the rear property line. Structures which do not require a building permit per LMC 15.04 must be setback a minimum of three feet to the side or rear property line.
- 3. Detached accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street.
- 4. The maximum height for all detached accessory structures shall be 12 feet, except for detached garages as noted below.
- 5. The maximum height of any detached garage shall be 18 feet, provided there is no living space within the building. Detached garages with living spaces shall be subject to the standards for Accessory Dwelling Units in LMC 19.20. The roof pitch and siding on any

detached garage shall be consistent with the primary structure on the lot, and the height of the building shall not exceed the height of the primary structure.

6. A secondary garage or shop shall be set behind the rear line of the house.

H. Senior Overlay Open Space Requirements.

1. Each lot must maintain a minimum of 7.5% in open space.
2. Senior Overlay developments which exceed 6 units to the acre in net density must also provide common open space equal to 10% of the developable parcel size. Common open space may be designed as a pocket park, courtyards, common green or access easement.
3. Common open space must meet the following requirements:
 - a. One 2" caliper canopy tree is required for every 1000 sf
 - b. Spaces must be accessible to residents and suitable for passive or active recreational use.
 - c. Sidewalks or paths accessing the area must be a minimum of 4 feet wide.
 - d. The minimum lawn coverage of a common green area shall be 70%.

- I. Senior Overlay Landscape Requirements: In addition to the landscaping requirements of Chapter 19.61 of this title, proposed multi-family development totaling more than two multi-family or attached single family units in this zone shall comply with Chapter 19.17.110.

19.18.050 - Pepin Creek Commercial Overlay and Uses Established.

- A. The Commercial Overlay provides opportunities for a variety of primary permitted uses in key locations. Commercial uses may be established under the following conditions:
1. Uses are subject to the development and setback standards for the underlying zoning.
 2. Parking standards per LMC 19.51 must be met however up to 50% of the required surface parking may be shared between commercial and residential uses which occupy the same structure if commercial uses are not considered nighttime uses per 19.51.090.

3. Commercial structures are subject to applicable design standards and the approval of the Design Review Board.
- B. The Neighborhood Commercial Overlay provides opportunities for a variety of primary permitted uses in key locations. These include:
1. Personal Services. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, child or adult daycare, or others that would serve the subarea.
 2. Sales of General Consumer Goods. This is to allow for retail sales of food, household goods, pet supplies, and other goods to residents in the subarea. The sales of goods geared toward a regional customer base, as determined by the Planning Director, are not allowed. Such regional uses include fuel sales, auto sales, large format stores, construction and landscaping materials, farm equipment. Outdoor storage associated with the sales of General Consumer Goods is also not allowed.
 3. Restaurants and Cafes. Single lane drive-thrus which are screened and oriented away from the street are permitted.
 4. Professional Offices, Banks and Financial institutions.
 5. Second story residential uses may be developed in conjunction with first floor commercial uses.

SECTION B. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION C. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION D. Effective Date. This ordinance shall be effective five days after the date of publication. All development applications received after that date shall be reviewed under the provisions of this ordinance.

PASSED by the City Council this _____ day of _____, 2019.

Signed by the Mayor on this _____ day of _____, 2019.

MAYOR (Scott Korthuis)

ATTEST:

CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

CITY ATTORNEY (Robert Carmichael)